

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

United States of America)	C. A. No. 2:08-cv-3953-PMD-RSC
<i>ex rel.</i> Rosanne Cottone,)	
)	
Plaintiff,)	<u>FILED UNDER SEAL</u>
)	
-versus-)	<u>REPORT AND RECOMMENDATION</u>
)	
Kindred Rehab Services, Inc.)	
d/b/a Peoplefirst)	
Rehabilitation, Kindred)	
Hospital Charleston, Kindred)	
Healthcare, Inc., Hall Orcutt,)	
Mary Van de Kamp, Stephen C.)	
Mantegani, Athena Beldecos,)	
and Velma Johnson)	
)	
Defendants.)	

This sealed *qui tam* action under the False Claims Act, 31 United States Code §3730(b)(2), came before the court for a status conference on October 14, 2009.

Present at the hearing were the Relator, Rosanne Cottone, and representatives of the United States. During the hearing the United States indicated that it had filed a motion to dismiss Counts 1 through 4 without prejudice and to allow the Relator to proceed *pro se* as to Count 5. The Relator consented to the motion.

Therefore it is recommended that this court enter its order:

1. Dismissing Counts 1-4 of the action without prejudice, striking the United States of America from the caption hereof, and directing the Clerk of Court to exclude the United States of America from future filings and notices herein,

2. Allowing the Relator, as a *pro se* Plaintiff, to proceed with Count 5, the Relator's claim for retaliatory discharge under 31 United States Code §3730(h),

3. Unsealing the complaint in all respects, and

4. Referring this action to the Clerk of Court to prepare and forward to the undersigned a Serve Order directing the Relator to serve the complaint upon the defendants and advising her of her responsibilities to the Court.

Respectfully Submitted,


ROBERT S. CARR
UNITED STATES MAGISTRATE JUDGE

Charleston, South Carolina

October 15, 2009